

REMARKS

This Amendment is being filed in response to the Office Action dated December 31, 2007. This Amendment is filed along with a Petition for a Two-Month Extension of Time and proper fee. Therefore, this Amendment is timely filed.

Applicant submits that the subject application, as amended, is now in condition for allowance.

Status of Application

Claims 1-26 and 136-141 are presented for examination. Claims 1, 7, 13, 14, 15, 20, 25 and 26 are independent. Claims 1-3, 5-9, 11-18, 20-23, 25, 26 and 136-140 are amended by this Amendment.

Claims 1-26, 136 and 138 stand rejected under 35 USC 103(a) as being unpatentable over USPN 6,418,419 of Nieboer et al. in view of USPN 6,598,026 of Ojha et al. Claims 137 and 139-141 stand rejected under 35 USC 103(a) as being unpatentable over Nieboer et al. in view of Ojha et al. and further in view of USPAP 20050137964 of Nordlicht et al. Applicants respectfully submit that the rejection of claims 1-26 and 136-141 are moot in view of the amendments to the claims.

Applicant's Remarks Regarding Rejection of Claims 1-26 and 136-141

The claim amendments herein are made to progress prosecution of the present application, and Applicants expressly reserve the right to argue the patentability of the original claims at a later time. As amended, independent claims 1 and 7 each now recites a method (claim 1) or system (claim 7) for responding to order flow which provides liquidity in a financial trading system where matching of orders may be performed "without revealing a security symbol in the order to the market maker."

With respect to independent claims 13 and 14, each now recites a method (claim 13) or system (claim 14) for responding to order flow which provides liquidity in a financial trading system for orders where a rule operates as a filter based on at least one characteristic, and the at least one characteristic allows automatically responding to the order "without revealing a security symbol in the order to the market maker."

With respect to independent claims 15, 20, 25 and 26, each now recites a method (claims 15 and 25) or system (claims 20 and 26) for establishing a rule to respond to orders where the rule is formed of "at least one condition allowing a match without revealing a security symbol in the order to the market maker."

Applicants submit that amended independent claims 1, 7, 13, 14, 15, 20, 25 and 26 patentably distinguish applicants' invention over the prior art or record. Specifically, none of the references show or suggest, separately or in combination, the claimed methods and systems which employ conditions or characteristics that allow matching of orders without revealing a security symbol in the order to the market maker.

The dependent claims are submitted to be patentable as both depending from patentable independent claims and as reciting patentable subject matter in their own right. Applicants expressly reserve the right to argue the patentability of the individual dependent claims at a later time.

Correction of Continuity Data

Applicants note that the PAIR system does not accurately reflect the continuity data of the present application. The PAIR system currently indicates only Applicants' claim of priority to U.S. Provisional Patent Application No. 60/271,541. The PAIR system currently does not reflect Applicants' claim of priority to US Patent Application No. 09/454,035 filed 12/03/99, US Provisional Patent Application No. 60/161,318 filed September 9, 1999, and US Provisional Patent Application No. 60/147,243 filed August 5, 1999. Support for this priority claim is found in the specification on page 1, lines 5-11. Appropriate correction of the continuity data is respectfully requested.

Applicability of Nordlicht

Applicants note that USPAP 20050137964 of Nordlicht et al. was filed August 31, 2000, after the filing of the cases upon which Applicants claim priority. Accordingly, Applicants contend that Nordlicht et al. could not be properly cited as prior art against claims supported entirely by Applicants' earlier filed cases, and Applicants reserve the right to prosecute such claims.

Conclusion

In view of the remarks above and the amendments presented herein, Applicants believe that claims 1-26 and 136-141 are in condition for allowance and timely notice to such effect is respectfully requested. If the Examiner believes that a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned at the phone number provided below.

All amendments made herein are without prejudice to expedite prosecution at this time. Applicants expressly reserve the right to pursue the original claims and/or broader claims at a later time. All amendments made herein find support in the specification, and no new matter has been added.

If any additional fees are due in connection with the filing of this Amendment, the Commissioner is hereby authorized to charge such additional fees to Deposit Account 02-2051, identifying Docket No. 69174-5.

Respectfully submitted,

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